

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1737, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 13, delete "IC 9-30-5-3(b) or".
- 2 Page 2, line 2, delete "IC 9-30-5-3(b)".
- 3 Page 2, line 3, delete "or".
- 4 Page 2, between lines 8 and 9, begin a new paragraph and insert:
- 5 "SECTION 2. IC 9-30-5-1, AS AMENDED BY P.L.1-2000,
- 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2001]: Sec. 1. (a) A person who operates a vehicle with an
- 8 alcohol concentration equivalent to at least ten-hundredths (0.10) gram
- 9 of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:
- 10 (1) one hundred (100) milliliters of the person's blood; or
- 11 (2) two hundred ten (210) liters of the person's breath;
- 12 commits a Class C misdemeanor.
- 13 (b) **A person who operates a vehicle with an alcohol**
- 14 **concentration equivalent to at least eight-hundredths (0.08) gram**

of alcohol but less than ten-hundredths (0.10) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.

(c) A person who operates a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class D felony if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.

(d) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

~~(c)~~ (e) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor. **However, the offense is a Class A misdemeanor if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.**

~~(d)~~ (f) It is a defense to subsection ~~(c)~~ (e) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 3. IC 9-30-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who operates a vehicle while intoxicated commits a Class A misdemeanor. **However, the offense is a class D felony if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle."**

Page 2, line 13, after "intoxicated" insert ";

Page 2, line 13, reset in roman "and".

Page 2, line 14, reset in roman "(2) the previous conviction of

- 1 operating while intoxicated".
- 2 Page 2, line 14, delete "that".
- 3 Page 2, line 16, delete "; or" and insert ".".
- 4 Page 2, delete lines 17 through 42.
- 5 Page 4, line 2, delete "1(b)" and insert **"1(c) or 1(d)"**.
- 6 Page 4, line 10, delete "child" and insert **"passenger"**.
- 7 Page 4, delete lines 23 through 29.
- 8 Page 4, line 30, delete "(i)" and insert **"(h)"**.
- 9 Page 4, line 33, delete "(j)" and insert **"(i)"**.
- 10 Page 5, line 1, reset in roman "or".
- 11 Page 5, line 2, delete "that".
- 12 Page 5, line 2, reset in roman "to".
- 13 Page 6, line 5, delete "child" and insert **"passenger"**.
- 14 Page 6, line 6, delete "In addition to" and insert **"As part of"**.
- 15 Page 6, line 16, delete **"operating while intoxicated causing"** and
- 16 insert **"an offense under section 5 of this chapter."**.
- 17 Page 6, delete line 17.
- 18 Page 7, line 42, delete "IC 9-30-5-3(a)(2), operating a vehicle" and
- 19 insert **"IC 9-30-5-1 or IC 9-30-5-2 with at least one (1) passenger**
- 20 **less than eighteen (18) years of age in the vehicle:**
- 21 **(1) while having an alcohol concentration equivalent to at**
- 22 **least fifteen-hundredths (0.15) gram of alcohol per one**
- 23 **hundred (100) milliliters of the person's blood, or two**
- 24 **hundred ten (210) liters of the person's breath (IC**
- 25 **9-30-5-1(c)); or**
- 26 **(2) while having a previous conviction under IC 9-30-5-1 or**
- 27 **IC 9-30-5-2"**.
- 28 Page 8, delete line 1.
- 29 Page 8, line 2, delete "eighteen (18) years of age in the vehicle".

- 1 Page 8, line 23, delete "IC 9-30-5-3" and insert "**IC 9-30-5-1,**
- 2 **IC 9-30-5-2**".
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1737 as introduced.)

and when so amended that said bill do pass.

Representative Kuzman